
NOTICE OF DECISION

Case File: T2-2019-12169 **Permit:** Property Line Adjustment

Applicants: Mark Greenfield and Courtney Vail Fletcher

Owners: **Property 1:** Jane Hartline / **Property 2:** Courtney Vail Fletcher and Gregory Stamp

Location: **Property 1:** No situs address located adjacent and north of Property 2
Tax Lot 300, Section 28A, Township 2 North, Range 1 West, W.M.
Alternate Account #R971280430 Property ID #R325273
- and -
Property 2: 14765 NW Gillihan Road, Portland
Tax Lot 300, Section 28, Township 2 North, Range 1 West, W.M.
Alternate Account #R971280680 Property ID #R491180

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: None

Proposal Summary: The applicants are requesting a property line adjustment between Property 1 and Property 2. Two acres will be transferred from Property 1 to Property 2.

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, January 2, 2020 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by:



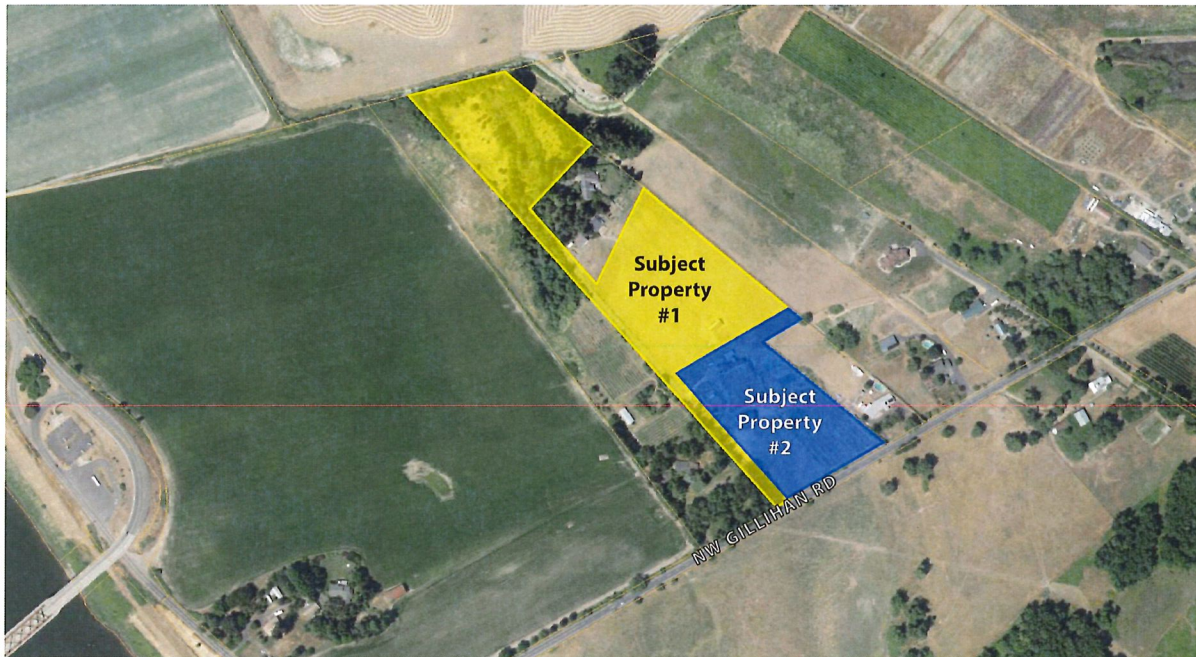
By: Rithy Khut, Planner

For: Adam Barber, Interim Planning Director

Date: Thursday, December 19, 2019

Vicinity Map

N↑



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): Violations, Enforcement and Fines: MCC 39.1515 Code Compliance and Applications

Lot of Record – General Provisions: MCC 39.3005 Lot of Record – Generally

Lot of Record Requirements Specific to Each Zone: MCC 39.3080 Lot of Record – Multiple Use Agriculture-20 (MUA-20)

Multiple Use Agriculture (MUA-20): MCC 39.4315(C) Review Uses, MCC 39.4325 Dimensional Requirements and Development Standards, MCC 39.4330(B) Property Line Adjustments

Property Line Adjustments: MCC 39.9300 Property Line Adjustment

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: *Chapter 39 - Zoning Code*

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

1. Permit Expiration – This land use permit shall expire as follows:

- a. The permit shall expire two (2) years after the date of the final decision, unless the Property Line Adjustment was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period. For land divisions and property line adjustments, “established” means the final deed or plat has been recorded with the county recorder.

Note: The property owners may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. The property owner(s) or their representative(s) shall:

- a. Ensure the property line adjustment is completed following the procedures provided in the “Surveyor’s Instructions for Finishing a Property Line Adjustment” and the “Applicant’s Instructions for Finishing a Property Line Adjustment” as listed in Exhibits B.9 and B.10. [MCC 39.9300(D)]

3. Prior to recording the deeds, the property owner(s) or their representative(s) shall:

- a. Obtain all necessary land use permits for the agricultural building that will be relocated from Property 1 known as 2N1W28A -00300 to Property 2 known as 2N1W28 -00300 (14765 NW Gillihan Road). [MCC 39.4310(F)(8)]
- b. Pay a fee, submit copies of the final survey, submit deeds to be recorded, and submit metes and bounds legal descriptions to Multnomah County Land Use Planning for verification that the adjusted properties conform to the Tentative Plan Map (Exhibit A.2).

There shall be three (3) deeds and three (3) metes and bound legal description as follows:

- i. **Transferring the Property:** The draft deed to transfer the land between property owners (i.e. Jane Hartline to Courtney Vail Fletcher and Gregory Stamp); and the metes and bounds legal description for the area of land to be transferred.
- ii. **Enlarging Fletcher/Stamp Property:** The draft deed and the metes and bounds legal description for the Fletcher/Stamp property with new enlarged metes and bounds legal description as one description.

- a) The legal description shall include the words: This new legal description is to complete the property line adjustment approval, T2-2019-12169 altering the original property into a 6.94-acre parcel.
- iii. **Reducing Hartline Property:** The draft deed and the metes and bounds legal description for the Hartline property with new reduced metes and bounds legal description as one description.
 - a) The legal description shall include the words: This new legal description is to complete the property line adjustment approval, T2-2019-12169 altering the original property into an 8.57-acre parcel.

Multnomah County Land Use Planning must approve these documents prior to their recording. If the submitted documents conform to the approved Tentative Plan Map and zoning requirements staff will sign the survey and deeds [MCC 39.9300].

- c. Ensure that each submitted metes and bounds legal description to be reviewed shall have an area on the page below the legal description that is a minimum of two inches by five inches to accommodate County Land Use Planning's approval stamp.
- 4. At the time of recording, the property owner(s) or their representative(s) shall record the deeds with the stamped metes and bound legal description attached as an exhibit in this order:
 - a. **Transferring the Property:** The deed shall be recorded with the legal description transferring the land between the two property owners.
 - b. **Enlarging the Fletcher/Stamp Property:** The deed and new legal description shall be recorded that describes the authorized enlarged Fletcher/Stamp property
 - c. **Reducing the Hartline Property:** The deed and new legal description shall be recorded that describes the authorized smaller Hartline property last.

The recordation of the deeds in this order will ensure that no new unauthorized parcel is created [MCC 39.9300(A)].

- 5. The transferred property shall not exist as a separate unit of land or tax lot after the property line adjustment is completed. No additional lot or parcel shall be created through this property line adjustment process. If this occurs, it shall be a violation of this approval and shall be resolved prior to the expiration of this case [MCC 39.9300(A)].

Note: Once this decision is final, the property owner(s) or their representative(s) shall complete the following steps:

- 1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to..." Be ready to demonstrate compliance with the conditions.
- 2. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, for an appointment for review of the conditions of approval and for staff to review the final survey, deeds, and new meets-and-bound descriptions. At the time of this review, Land Use Planning will collect additional fees for the review.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

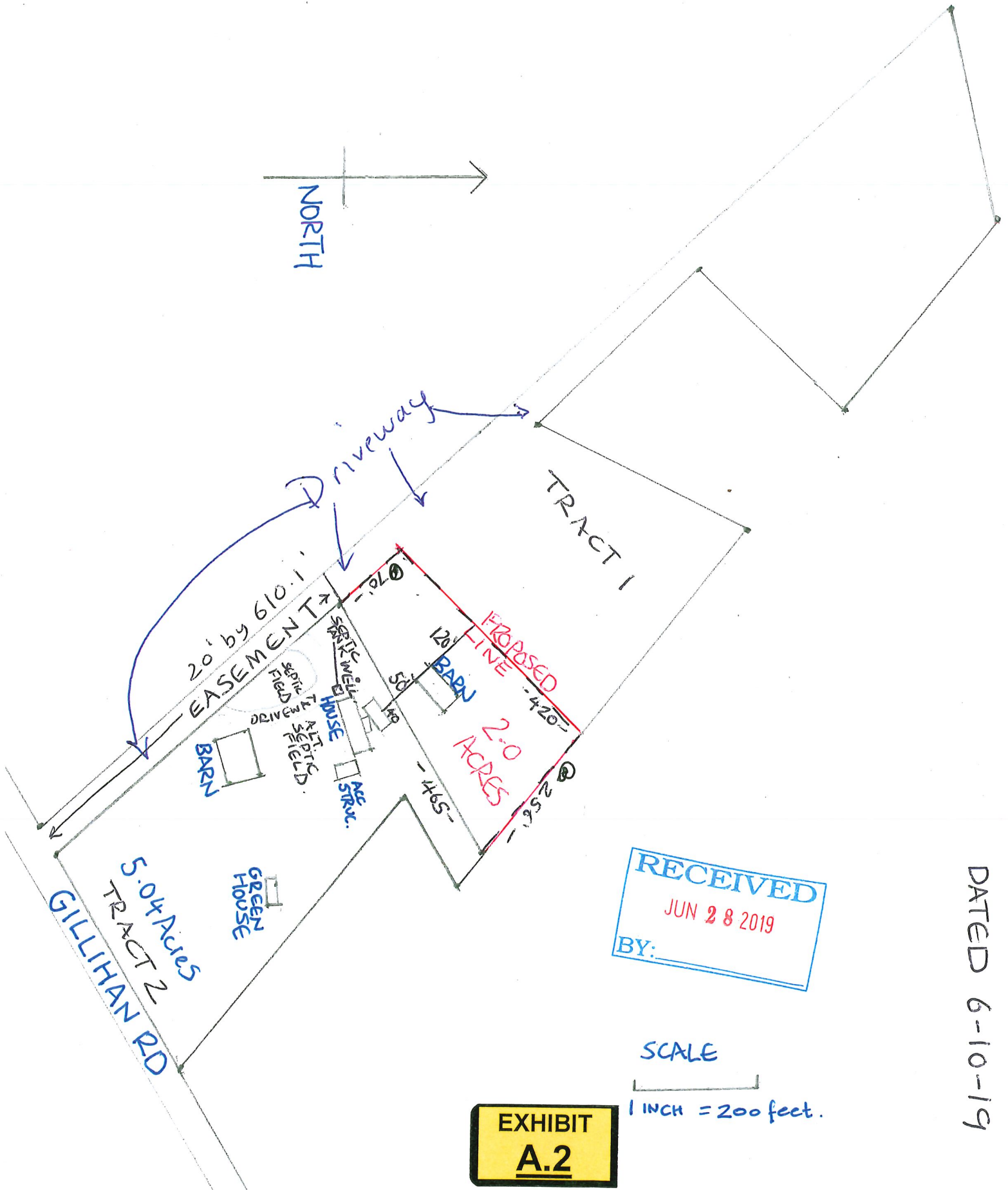
DATED 6-10-19



SCALE

1 INCH = 200 feet.

EXHIBIT
A.2



Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

- 1.1 Staff:** The applicants are requesting a property line adjustment between Property 1, known as 2N1W28A -00300 and Property 2 known as 2N1W28 -00300 (14765 NW Gillihan Road). The common property line boundary will be adjusted to the north resulting in 14745 NW Gillihan becoming larger and the agricultural “farm” building being transferred from Property 1 to Property 2.

2.0 Property Description & History:

- 2.1 Staff:** The proposed property line adjustment will occur between two properties located on NW Gillihan Road within the Multiple Use Agriculture – 20 (MUA-20) zoning district in the Sauvie Island rural area. Multnomah County Department of Assessment, Records, and Taxation (DART) indicates that Property 1, which is the property adjacent and to the north of 14745 NW Gillihan Road is owned by Jane Hartline. The property currently contains an agricultural “farm” building that acts as a shelter for sheep. Below are the land use and building permits that are on record for the Property 1:

Case Number	Year	Description
T2-05-094	2006	Property Line Adjustment
BP-2019-11653	2019	Agricultural building registration for exception to state structural building code.

For Property 2, located at 14745 NW Gillihan Road, the property is owned by Courtney Vail Fletcher and Gregory Stamp. According to DART, Property 2 contains multiple buildings that include a single-family dwelling, a detached accessory building, a farm building, and a storage building. Aerial photo review from 2018 confirm the presence of the single-family dwelling, a detached accessory building, a farm building, and a storage building. The aerial photo also shows a hoop/greenhouse on the eastern portion of the property and a chicken coop slightly to the west of the single-family dwelling and farm building. The single-family dwelling and detached accessory building were first accessed in 2014. Property 2 has also had an extensive permit history, below are the land use and building permits that are on record:

Case Number	Year	Description
T2-05-094	2006	Property Line Adjustment
T1-2013-2708	2013	Address Assignment
BP-2013-2735	2013	New single-family dwelling and detached home office
BP-2014-3316	2014	Detached office modification to previous approval
BP-2016-4778	2016	Agricultural registration for four (4) farm buildings
BP-2017-6819	2017	Addition to single-family dwelling
T2-2016-6559	2017	Produce stand and Type B Home Occupation

Property 2 has also have an extensive history of Code Compliance issues on the property. The Code Compliance cases are below:

Case Number	Year	Description
UR-2016-4701	2016	Non-permitted use of an accessory structure for overnight lodging, possible bed and breakfast. The structure was not permitted for use by the general public or as a lodging rental. The structure is currently listed as an "airbnb" rental unit. Property also has three non-permitted accessory structures. Only the house and adjacent structure were permitted.
ZV-2016-5785	2016	Violation of terms/conditions of permit forbidding use of accessory structure as a dwelling; non-permitted commercial business operating from the dwelling.

The most recent land use case, T2-2016-6559, authorized the use of a portion of the single-family dwelling to be used for short-term rental and the use of a farm building for wholesale/retail sales of farm products raised or grown on the premises or of farm crops or livestock from other farm operations located in Multnomah County or in adjacent counties of Oregon or Washington bordering on Multnomah County. The Type B home occupation will need to be renewed on or before July 11, 2020 [every three (3) years].

3.0 Code Compliance and Applications Criteria:

3.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: On Property 1, Tax Lot 300, Section 28A, Township 2 North, Range 1 West, there are no active code compliance cases and no known code compliance issues on the subject property. As

a result, Property 1 is in full compliance with all applicable provisions of Multnomah County Zoning Code.

On Property 2, 14765 NW Gillihan Road, Portland (Tax Lot 300, Section 28, Township 2 North, Range 1 West), the property was subject to two previous code compliance cases, UR-2016-4701 and ZV-2016-5785 that were closed. The property owners have met all of the conditions of the Voluntary Compliance Agreement and have met the Conditions of Approval outlined in T2-2016-6559. As a result, Property 2 is in full compliance with all applicable provisions of Multnomah County Zoning Code.

Therefore, the County has the authority to issue a land use decision approving development, including land divisions and property line adjustments for both properties. These criteria are met.

4.0 Lot of Record Criteria

4.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, satisfied all applicable zoning laws and all applicable land division laws. The two properties were previously reconfigured into their current configuration through a previous Property Line Adjustment approved in land use case #T2-05-094 in March 16, 2006 (Exhibit B.6). At that time, the staff findings found that the reconfigured parcels satisfied all applicable zoning laws and land division laws. More recently, Property 2 located at 14765 NW Gillihan Road, Portland (Tax Lot 300, Section 28, Township 2 North, Range 1 West) was subject to a land use case. Land use case #T2-2016-6559 was approved on June 27, 2017. That application also contained Lot of Record findings that Property 2 satisfied all applicable zoning laws and all applicable land division laws (Exhibit B.7).

Both properties are still in the same configuration as described in T2-05-094 and T2-2016-6559. Therefore, they are both still considered as individual Lots of Record. *These criteria are met.*

4.2 § 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Staff: As noted in Section 4.1 above, both properties are still in the same configuration as described in T2-05-094 and T2-2016-6559 and therefore are both still considered as individual Lots of Record. As this application is requesting a property line adjustment as allowed in MCC 39.4330, the discussion of the agricultural structure to be transferred from Property 1 to Property 2 is located in Section 5.3. Lastly, no evidence has been provided that each parcel are either an area of land described as a tax lot solely for assessment and taxation purposes, an area of land created by the foreclosure of a security interest, or an area of land created by court decree. *These criteria are met.*

5.0 Multiple Use Agriculture (MUA-20) Criteria

5.1 § 39.4315 REVIEW USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter.

(C) Property Line Adjustment pursuant to the provisions of MCC 39.4330.

Staff: The applicants have requested a property line adjustment between Property 1: Tax Lot 300, Section 28A, Township 2 North, Range 1 West and Property 2: 14765 NW Gillihan Road also known as Tax Lot 300, Section 28, Township 2 North, Range 1 West. As required by Multnomah County Code (MCC), a property line adjustment can only be authorized pursuant to MCC 39.4330, which is discussed in Section 5.3 and 6.1 below.

5.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this base zone shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

Staff: All buildings and structure are required to maintain minimum yard dimensions (i.e., “An open space...being unoccupied and unobstructed from 30 inches above the ground upward...”). As required by the Table in MCC 39.4325(C), the minimum yard dimensions need to be met by all buildings on the subject property after the adjustment of lot lines. As proposed, the property line adjustment will result in one agricultural building being moved from Property 1 to Property 2. As measured, the agricultural building will be located 120 feet from the adjusted lot line, which will be the new rear lot line (Exhibit A.2). At 120 feet from the rear lot line, the agricultural building will meet the rear yard minimum requirement.

As measured in BP-2019-11653, BP-2017-6819 and T2-2016-6559 all other buildings met the minimum yard dimension requirements. As no new buildings are being proposed, MCC 39.4325(1) through (3) are not applicable. *These criteria are met.*

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

Staff: Both subject properties abut a street, NW Gillihan Road, which is a rural collector road. As required in MCC 29.571, a rural collector road right of way width should be 60 feet. For Property 1, the pole, as a private driveway of flag lot is not considered a lot line. Therefore, the front lot line is the lot line closest to and most nearly parallel with the street, which serves the lot. As the front lot line does not abut a street, the minimum yard requirement does not need to be increased.

For Property 2, the County Road Official issued an access permit to use a public road right of way, Permit #83180, which determined that the public right of way along the property is sufficient (Exhibit B.8). Therefore, no additional yard requirements are necessary. *This criterion is met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: As no new buildings or structures are being proposed as part of this property line adjustment, this criterion is not applicable. *This criterion is not applicable.*

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

(1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.
- (3) Placement of an agricultural related structure under these provisions in (F) does not change the minimum yard requirements for future dwellings on adjacent property.

Staff: The agricultural “farm” building being moved from Property 1 to Property 2 will be 120 feet from the rear property line as proposed, therefore no reduction of the minimum rear yard will be required. *These criteria are not applicable.*

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

- (1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.
- (2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: For Property 1, no on-site sewage disposal, storm water/drainage control, water systems are required for the subject property. For Property 2, on-site sewage disposal, storm water/drainage control, and water systems were reviewed during the previous review under land use case #T2-2016 6559. As no new buildings or structures are being proposed as part of this property line adjustment, these criteria are not applicable. *These criteria are not applicable.*

. . .

5.3 § 39.4330 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS.

. . .

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 39.9300, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

Staff: The applicable provisions in MCC 39.9300 are discussed in Section 6 below.

- (1) The following dimensional and access requirements are met:
 - (a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;
 - (b) If the properties abut a street, the required access requirements of MCC 39.4345 are met after the relocation of the common property line; and

Staff: The dimensional and access requirements are discussed in Section 5.2 and 5.4. As discussed in Section 5.2, the applicants are proposing to change ownership of an agricultural building through relocating the common property line to the north (Exhibit A.2). In relocating the common property line, the agricultural building will be located from 120 feet from the new property line location. The agricultural building will be located more than the 30-foot minimum yard dimension from the rear lot line. The property line adjustment does not alter the existing front lot line length of either property and both properties will continue to abut a street. *These criteria are met.*

(2) One of the following situations occurs:

- (a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or**
- (b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.**

Staff: The parcel proposed to be enlarged and the parcel proposed to be reduced will meet the situation as described above. The larger property, Property 1 is currently 10.57 acres. The property line adjustment will reduce Property 1 by 2 acres (Exhibit A.2). The new area for Property 1 will be 8.57 acres, therefore MCC 39.4330(B)(2)(a) is not applicable. For the smaller property, Property 2, it is currently 4.94 acres (Exhibit A.2). The property line adjustment will enlarge Property 2 by 2 acres. The new area for Property 2 will be 6.57 acres, which meets the situation as described in MCC 39.4330(B)(2)(b). *These criteria are met.*

5.4 § 39.4345 ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).

Staff: As was found in Section 4.0, the pre-existing parcels each constitute an individual Lot of Record as described in MCC 39.3080(B); therefore, this criterion is not applicable. *This criterion is not applicable.*

6.0 Property Line Adjustment Criteria

6.1 § 39.9300 PROPERTY LINE ADJUSTMENT

A property line adjustment is the relocation of a common property line between two abutting properties. The Planning Director may approve a property line adjustment based upon findings that the following standards are met:

- (A) No additional lot or parcel shall be created from any parcel by the property line adjustment; and**

Staff: The proposed site plan indicates that the common property line between the two abutting properties is being relocated and no additional lots or parcels are being created (Exhibit A.2). However to ensure that this standard is met, a condition will be required that transferred

property shall not exist as a separate property with its own deed or deed description and that no additional lot or parcel shall be created from any parcel by the property line adjustment *As conditioned, this criterion is met.*

(B) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

Staff: The Property Line Adjustment Application Form indicates that the owners of both properties involved in this property line adjustment application consent to the proposed adjustment (Exhibit A.1). As a condition, owners of both properties will record conveyances conforming to the approved property line adjustment. *As conditioned, this criterion is met.*

(C) The adjusted properties shall meet the approval criteria for a property line adjustment as given in the base zone; and

Staff: As discussed above in Section 5.3, the adjusted properties met the approval criteria for a property line adjustment in the Multiple Use Agriculture (MUA-20) base zone. *This criterion is met.*

(D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment as provided for by the Planning Director.

Staff: The applicants have submitted the Property Line Adjustment Application Form, supplied a site plan describing the property line adjustment, but have not provided the deed descriptions conveying the adjusted areas and newly configured properties. Therefore, as a condition of approval, the applicants or property owners shall provide those descriptions to ensure that the property line adjustment is completed correctly. *As conditioned, this criterion is met.*

7.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a property line adjustment in the Multiple Use Agriculture (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

8.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2019-12169 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	Property Line Adjustment Application	06/28/2019
A.2*	2	Proposed Property Line Adjustment Map (8.5“ x 11”)	06/28/2019
A.3	8	Land Use Case #T2-05-094 – Notice of Decision	06/28/2019
A.4	1	Land Use Case #T2-05-094 – Exhibit A1: Authorizing David Richardson to work on the behalf of Jane Hartline	06/28/2019
A.5	1	Land Use Case #T2-05-094 – Letter from Jane Hartline indicating no objections	06/28/2019
A.6	1	Land Use Case #T2-05-094 – Exhibit A2: General Application Form	06/28/2019
A.7	1	Land Use Case #T2-05-094 – Exhibit A3: Bargain and Sale Deed recorded on August 18, 1969 in Book 693, Page 434	06/28/2019
A.8	2	Land Use Case #T2-05-094 – Exhibit A4: Bargain and Sale Deed recorded on June 4, 1999 as Instrument #99112092	06/28/2019
A.9	1	Land Use Case #T2-05-094 – Exhibit A5: Proposed Property Line Adjustment Plan	06/28/2019
A.10	1	Land Use Case #T2-05-094 – Exhibit S1: 2004 Air Photo	06/28/2019
A.11	1	Land Use Case #T2-05-094 – Exhibit S2: Zoning Map for T2-05-094	06/28/2019
A.12	2	Land Use Case #T2-05-094 – Exhibit S3: Department of Assessment, Records, and Taxation (DART): Property Information for 2N1W28 -00300 (R971280680) and 2N1W28A -00100 (R971280420)	06/28/2019
A.13	3	Land Use Case #T2-05-094 – Exhibit S4: Contract-Real Estate recorded on January 4, 1967 in Book 543, Pages 241-243	06/28/2019
A.14	1	Land Use Case #T2-05-094 – Exhibit S5: Memorandum from Alison Winter, Transportation Planning Specialist, Multnomah County Land Use and Transportation Program concerning Transportation Issues	06/28/2019

A.15	1	Approval of Property Line Adjustment Exhibit A: Grantee's Property Deed Language signed by Lisa Estrin, on June 12, 2007	06/28/2019
A.16	1	Approval of Property Line Adjustment Exhibit B: Grantor's Property Deed Language signed by Lisa Estrin, on June 12, 2007	06/28/2019
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records, and Taxation (DART): Property Information for 2N1W28A -00300 (R971280430)	06/28/2019
B.2	2	Department of Assessment, Records, and Taxation (DART): Property Information for 2N1W28 -00300 (R971280680)	06/28/2019
B.3	1	Department of Assessment, Records, and Taxation (DART): Map with 2N1W28A -00300 (R971280430) highlighted	06/28/2019
B.4	1	Department of Assessment, Records, and Taxation (DART): Map with 2N1W28 -00300 (R971280680) highlighted	06/28/2019
B.5	1	E-mail from Bill Gotzinger, Lead Code Compliance Specialist, Multnomah County Land Use Planning Division: Code Compliance Program on September 10, 2019 concerning UR-2016-4701 and ZV-2016-5785	06/28/2019
B.6	8	T2-05-094 approved on March 16, 2006	10/31/2019
B.7	31	T2-2016-6559 approved on June 27, 2017	10/31/2019
B.8	17	Access permit to use a public road right of way, Permit 83180	11/11/2019
B.9	1	Surveyor's Instructions for Finishing a Property Line Adjustment Handout	11/22/2019
B.10	1	Applicant's Instructions for Finishing a Property Line Adjustment Handout	11/22/2019
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete letter	07/26/2019
C.2	1	E-mail to applicants with Incomplete Letter attached	07/26/2019
C.3	1	Complete letter (day 1)	09/11/2019
C.4	5	Opportunity to comment & mailing list	10/31/2019
C.5		Administrative decision & mailing list	